

# United States District Court

**SOUTHERN**

DISTRICT OF

**TEXAS**

McALLEN DIVISION

JUL 18 2013

David J. Bradley, Clerk

UNITED STATES OF AMERICA  
V.

Jorge Alberto Castillo  
A206 146 170

PRINCIPAL  
YOB: 1994

United States

Case Number:  
**M-13-1298-M**

## CRIMINAL COMPLAINT

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 16, 2013 in Hidalgo County, in the Southern District of Texas defendants(s) did,

(*Track Statutory Language of Offense*)

**knowing or in reckless disregard of the fact that Natalio Torres-Vasquez, citizen and national of the United Mexican States, and Carolina Del Socorro Henriquez, citizen and national of El Salvador, along with eight (8) other undocumented aliens, for a total of ten (10), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from Penitas, Texas, to the point of arrest near Penitas, Texas,**

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) **FELONY**

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

**On July 16, 2013, at approximately 6:38 p.m., Border Patrol Agents S. Velasquez and M. Fuentes were responding to sensor activity near Penitas, Texas when they observed a white Tahoe leaving the area and heading east on Military Road. This area is approximately .25 of a mile north of the Rio Grande River with brush on both side of road and with very little vehicle traffic. This area is also notorious for illegal alien and drug smuggling. Agents observed a single male driver with no other visible occupants; the vehicle was also riding extremely low and at a slow rate of speed. The driver, was observed by agents looking back in his rear view mirror and appeared to be looking to see if the agents were following him. As the vehicle turned north on FM 1427 in Penitas, Texas, the driver of the vehicle slowed down, rolled up his window and made a left turn without signaling.**

Continued on the attached sheet and made a part of this complaint:

*Approved by  
J. Hernandez  
J. Hernandez*

Yes  No

*J. Hernandez*  
Signature of Complainant

Frediberto Hernandez Senior Patrol Agent

Printed Name of Complainant

McAllen, Texas  
City and State

July 18, 2013 at 8:41am  
Date

Peter E. Ormsby, U. S. Magistrate Judge  
Name and Title of Judicial Officer

*Peter E. Ormsby*  
Signature of Judicial Officer

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS

ATTACHMENT TO CRIMINAL COMPLAINT:

M-13-1298-M

RE: Jorge Alberto Castillo

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At that time, Agent S. Velasquez requested a vehicle registration check and performed a vehicle stop in an attempt to conduct an immigration inspection. The driver immediately pulled off to the side of the road and as agents approached the vehicle, they observed several individuals laying down in the rear cargo area and in the back seat in an attempt to conceal themselves from view. The driver, later identified as Jorge Alberto CASTILLO, stated he was United States Citizen and the 10 passengers were determined to be undocumented aliens. CASTILLO was read his Miranda Rights and agreed to talk to the agents without an attorney present. CASTILLO stated that he had agreed to pick up the illegal aliens and transport them to a Jack in the Box in McAllen, Texas. He stated that he was to be paid \$300 for transporting the 10 subjects. CASTILLO was placed under arrest and transported to the McAllen, Texas Border Patrol Station along with the 10 undocumented aliens.

Once at the Border Patrol Station, agents were able to get two material witnesses that could identify Jorge Alberto CASTILLO as the driver of the vehicle.

**PRINCIPAL STATEMENT:**

Once at the Border Patrol Station, Jorge Alberto CASTILLO was advised of his Miranda Rights in the Spanish language by Border Patrol Agent M. Fuentes. CASTILLO signed the form stating that he understood his rights and was willing to provide a sworn statement without the presence of an attorney.

CASTILLO stated that he is a United States citizen but currently lives in Reynosa, Tamaulipas, Mexico and commutes into the U.S. daily for work. CASTILLO stated that he received a call from a subject who he only knows as "Carlos" on July 16, 2013, and was offered a job to pick up undocumented aliens. He stated that he was going to be paid approximately \$200 to \$300 to pick them up and transport them to an area near 23<sup>rd</sup> Street and Expressway 83 in McAllen, Texas. Once he was in that area, he was going to call "Carlos" to get the exact drop off location.

**MATERIAL WITNESS STATEMENT:**

Once at the Border Patrol Station, both of the material witnesses were advised of their Miranda Rights in their preferred languages. Both verbally stated that they understood their rights and were willing to provide a statement without the presence of an attorney.

1-Natalio TORRES-Vasquez stated that he crossed the Rio Grande River illegally on July 16, 2013 with twelve other individuals including two guides. TORRES stated that he was going to pay approximately \$3,500 in smuggling fees to Houston, Texas. TORRES stated that once they crossed the river, they walked north for about 10 minutes and the guides told them to wait for a white truck that was going to pick them up on the side of a paved road. Once the vehicle arrived, the guides instructed them to get in and the two guides returned back to the river. TORRES was able to identify Jorge Alberto CASTILLO in a photo lineup as the driver of the vehicle.

2-Carolina Del Socorro HENRIQUEZ stated that she crossed the Rio Grande River on July 16, 2013 with twelve other individuals including two guides. HENRIQUEZ stated that she was going to pay approximately \$6,000 in smuggling fees to Los Angeles, California. Subject stated once they crossed the river, they walked north through a wooded area for about ten minutes. The guides then told them to get into a white truck and they both returned to the river. HENRIQUEZ was able to identify Jorge Alberto CASTILLO in a photo lineup as the driver of the vehicle.